



## Staff Report to the County Commission

Weber County Planning Division

### Synopsis

#### Application Information

|                             |   |
|-----------------------------|---|
| <b>Application Request:</b> | Consideration and action on a request to amend the conditional use permit for the Terakee Village PRUD. |
| <b>Type of Decision:</b>    | Administrative  |
| <b>Agenda Date:</b>         | Tuesday, August 27, 2019  |
| <b>Applicant:</b>           | Brad Blanch   |
| <b>File Number:</b>         | CUP 2017-02   |

#### Property Information

|                                  |                                       |
|----------------------------------|---------------------------------------|
| <b>Approximate Address:</b>      | 4700 W 900 S, Ogden                   |
| <b>Project Area:</b>             | 57.9 acres                            |
| <b>Zoning:</b>                   | A-1                                   |
| <b>Existing Land Use:</b>        | Agriculture                           |
| <b>Proposed Land Use:</b>        | Residential                           |
| <b>Parcel ID:</b>                | 15-048-0037, 15-515-0002, 15-515-0001 |
| <b>Township, Range, Section:</b> | T6N, R2W, Section 17                  |

#### Adjacent Land Use

|               |             |               |             |
|---------------|-------------|---------------|-------------|
| <b>North:</b> | Residential | <b>South:</b> | Residential |
| <b>East:</b>  | Residential | <b>West:</b>  | Residential |

#### Staff Information

|                          |  |
|--------------------------|--|
| <b>Report Presenter:</b> | Steve Burton<br><a href="mailto:sburton@co.weber.ut.us">sburton@co.weber.ut.us</a><br>801-399-8766 |
| <b>Report Reviewer:</b>  | RG   |

### Applicable Ordinances

- Title 104, Zones, Chapter 5 Agricultural (A-1) Zone
- Title 106, Subdivisions, Chapters 1-8 as applicable
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development

### Development History

- On April 11, 2017 the Weber County Commission approved the conditional use permit application for a PRUD with the following conditions:
  - A "Side, facing street corner lot: 20 feet" setback standard shall be added to the final subdivision plats for review and approval.
  - The 4 lots that will have accessory dwelling units will be identified as a note on the preliminary and final subdivision plat to ensure adequate notice is provided for future property owners.
  - That a road stub to the northern property line in a way to continue connectivity with 4450 W. and a road stubbed to the eastern property line near Lot 4, and that all utilities in the right-of-way be stubbed to the property line as well;
  - A note will be added to the preliminary and final subdivision plat stating that if an accessory dwelling unit will be utilized for monthly rentals only when the primary residence will be owner occupied.
  - A Design Review will need to be approved prior to the construction of the Assisted Living Center.
  - A conditional use permit will need to be approved prior to any Agri-tourism activities on the agricultural parcels.
  - A note will need to be placed on the final subdivision plat notifying residents in the development that "Agri-tourism" an approved use on the agricultural lots.

8. Sidewalk, curb and gutter will be installed along the applicant's frontage of 900 South and 4700 West as part of the development in order to provide safety for pedestrians along 900 South and 4700 West.
9. Coordination with the Weber County Surveyor's Office to ensure monument preservation if a roundabout is constructed at the intersection of 4300 West and 900 South.
10. Nightly rentals and lockout sleeping rooms shall not be considered an allowed use within Terakee Village PRUD and will be eliminated from the proposal.
11. That the owner of Terakee Village guarantees, through a detailed plan, that the irrigation water system will consistently flow at the current rate to the property owners to the south of the proposed subdivision, with a recommendation to come from Hooper Irrigation. Access to the head gates along the Hooper Canal are preserved and protected in a way to ensure irrigation access to the property owners located to the north of the development. The irrigation water be piped throughout the PRUD and that existing irrigation water flow capacity will be maintained;
12. The two phases are to remain separate, this CUP is for parcel numbers 15-515-0001, 15-515-0002 and 15-048-0037 and does not include Phase 2/the 14-acre parcel number 15-059-0026 that is not contiguous. The county at the time of subdivision approval will require a detailed plan to include agri-tourism and/or the design of a public park with a mixture of amenities, preferably more than just a few acres, to benefit the community and should be a significant opportunity, not in place of but and/or, to help mitigate some community concerns and help justify the bonus density granting up to 80 units with 4 ADUs;
13. A complete landscape plan for the non-agricultural parcels, Reflections Park and the trail system shall be submitted with the preliminary subdivision plans for review and approval.
14. A decorative street lighting and street tree design will be submitted with the preliminary subdivision for review and approval.
15. Wetland Assessment to be completed to address wetland areas, if any, and what mitigation measures are to take place if needed;
16. Comprehensive Storm Water Master Plan to be completed to include a detention basin needed for a 100-year storm and address any outflow deficiencies with existing infrastructure for the project as a whole;
17. Comprehensive Geotechnical Study to be completed to address existing road conditions and needed upgrades, if any, and cross sections in which the new roads would be placed within the subdivision;
18. Secondary Water Master Plan to address existing irrigation water distribution and proposed water distribution, and show proof of water rights to ensure a master plan throughout the development; Culinary water master plan to be completed to address the proposed water system for the proposed lots and all infrastructure associated with the system for the project as a whole;
19. Sewer master plan to be completed to address the proposed sewer system for all proposed lots including all infrastructure associated with the system for the project as a whole;
20. Comprehensive Traffic Study to address minor and major collector roads associated with the development, all improvements to traffic flow needed due to the subdivision, and include a plan to mitigate safety, even during construction periods, due to the increased vehicular and pedestrian traffic;

This recommendation is based on the following findings:

1. The proposed PRUD conforms to the West Central Weber County General Plan.
2. The PRUD is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings.
4. Up to a 48 percent bonus density is granted based on the following:
  - An approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density is granted.
  - If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density is granted.
  - If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows: For a parcel containing at least 20 acres but fewer than 30 acres, up to a 13 percent bonus density is granted.

5. Agri-tourism is a valuable amenity to the PRUD.
6. The proposal will not be detrimental to the public health, safety, or welfare.
7. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Summary

The purpose of this PRUD amendment is to amend the open space plan, to include within the open space a detention area as part of the proposed secondary water system. The applicant has provided a new site plan (Exhibit A) showing the proposed location of the detention area within the open space. The applicant, during the conditional use permit approval process for the PRUD, was granted an overall bonus density of 32 percent for the entire project, creating an overall density of 84 dwelling units (79 residential units, one lot for an assisted living center, and four accessory dwelling units). The applicant was able to receive the 32 percent bonus density, in part because of the 32 acres preserved as open space.

## Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space (2003 West Central Weber General Plan, Page 1-3).

Zoning: The subject property is located in the A-1 zone. PRUDs are listed as a conditional use in the A-1 zone.

Lot area, frontage/width and yard regulations: The site development standards for the A-1 zone require a minimum lot area of 40,000 square feet of area and a minimum lot width of 150 feet. Prior approvals were granted based on the density of the A-1 zoning standards and the Planned Residential Unit Development Standards which allow for bonus densities and smaller building areas.

The intent of a PRUD is defined in LUC §108-5-2 as follows:

- (a) *A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.*
- (b) *Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.*

Open Space: The applicant is proposing to add a detention area for a secondary water system within the area previously approved as agricultural open space parcel to be used for agritourism. The detention pond is being proposed because the developer is required to either connect to Hooper Irrigation's secondary line, or to provide an onsite secondary water system to receive subdivision approvals. During final subdivision approval from the planning commission for Terakee Village Phase 1, the developer indicated that he planned to connect to Hooper Irrigation. The developer is now proposing to create a new secondary water district to maintain the proposed onsite system.

Conditional Use Review: The proposed PRUD is conditionally allowed in the A-1 zone. A review against the conditional use regulations as well as the design review regulations was conducted as part of the original approval.

## Staff Recommendation

As this amendment was brought to the Western Weber Planning Commission on August 13, 2019, the Planning staff recommended that the Planning Commission approve this request and consider the secondary water pond to be 'open space' thereby keeping the same amount of density allowed under the original approval. The staff report to the Planning Commission is included as exhibit C. The Planning Commission chose to approve of the amendment to the conditional use permit, but did not consider the secondary water pond to be open space.

Staff Recommendation Option 1: If the County Commission chooses to follow the recommendation and findings of the Planning Commission, the development would be required to lose a certain amount of density, as the open space is reduced to below 32 percent. If the Commission chooses to follow the Planning Commission's recommendation staff recommends that the development lose one lot, to make up for the loss of open space.

Staff Recommendation Option 2: If the County Commission approves of the amendment and considers a secondary water pond to be 'open space', then no reduction in density is necessary and staff recommends that the decision be based on the finding that the proposed secondary water pond is considered to be open space.

## Planning Commission Recommendation

On August 13, 2019 the Western Weber Planning Commission approved the request to amend the conditional use permit to show the secondary water pond as part of the development. The recommendation for approval is based on the review agency requirements and based on the following conditions:

1. All conditions from the original conditional use permit approval are still applicable.
2. The applicant must obtain approval from the state for the new secondary water system prior to subdivision approval from the County Commission.
3. That the front yard setbacks be changed from 30 feet to 20 feet (at the request of the applicant) with the condition that no front yard fencing be allowed.
4. The applicant provide a landscaping plan for the secondary water pond

Approval of this application is based on the following findings:

1. That the new secondary water pond does decrease the amount of open space designated in the original site plan as it is not considered open space.

## Exhibits

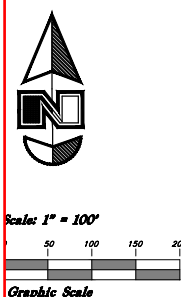
- A. Proposed site plan
- B. Original site plan
- C. Staff report to Planning Commission

## Location Map





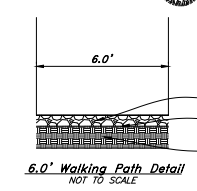
Exhibit A



# Legend

(Note: All items may not appear on drawing)

- San. Sewer Manhole
- Water Manhole
- Storm Drain Manhole
- Cleanout
- Electrical Manhole
- Catch Basins
- Exst. Fire Hydrant
- Fire Department Connection
- Post Indicator Valve
- Exst. Water Valve
- Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Secondary Waterline
- Power Line
- Fire Line
- Land Drain
- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power line
- Corrugated Metal Pipe
- Concrete Pipe
- Reinforced Concrete Pipe
- Ductile Iron
- Polyvinyl Chloride
- Top of Asphalt
- Edge of Asphalt
- Centerline
- Flowline
- Finish Floor
- Top of Curb
- Top of Wall
- Top of Walk
- Top of Concrete
- Natural Ground
- Finish Grade
- Match Existing
- Fire Department Connection
- Finish Contour
- Exst. Contour
- Finish Grade
- Exst. Grade
- Ridge Line
- Direction of Flow
- Existing Asphalt
- New Asphalt
- Heavy Duty Asphalt
- Existing Concrete
- New Concrete
- Demo'd Road Base
- Spill Curb & Gutter
- Tree



Southwest Corner of Section 17, T6N, R2W, SL&M, U.S. Survey (Found Brass Cap Monument)

Elden H. Knudson Construction Company

Elden H. Knudson Construction Company

This property lies within flood zone X (unshaded) as shown on the FEMA Flood Insurance Rate Map for Weber County, Utah, Community Panel Number 49057C0425E dated 16 Dec. 2005 as well as Panel Number 49057C0189E dated 16 Dec. 2005. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance flood plain" (no shading)

## FLOOD PLAIN

This property lies within flood zone X (unshaded) as shown on the FEMA Flood Insurance Rate Map for Weber County, Utah, Community Panel Number 49057C0425E dated 16 Dec. 2005 as well as Panel Number 49057C0189E dated 16 Dec. 2005. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance flood plain" (no shading)

Center of Section 17, T6N, R2W, SL&M, U.S. Survey (Found Brass Cap Monument)

2658.43'

1328.21'

4700 West Street

N 1°00'33" E

S 89°05'23" E (WCS)

2658.05' (WCS)

N 89°05'07" W

S 89°05'23" E (WCS)

36.43'

36.43'

36.43'

36.43'

36.43'

36.43'

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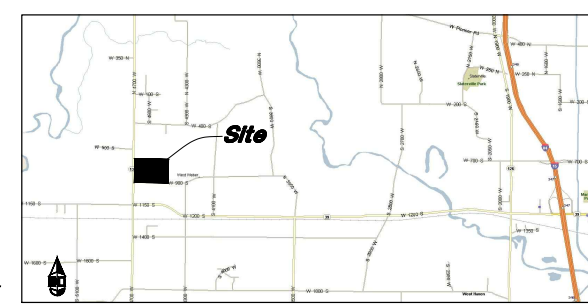
36.43'

36.43'

36.43'

# Preliminary Plan For Terakee Village® A PRUD Subdivision A part of the Southeast Quarter of Section 17, T6N, R2W, SL&M, U.S. Survey Weber County, Utah November 2017

NOTE: Utility Stubs shown per Weber County Condition of Approval. Ability of these Utilities to Service Adjacent Properties will be determined prior to installation.



VICINITY MAP  
Not to Scale

## ZONING INFORMATION

This property is Zoned PRUD and has the following building setbacks:

- Front Yard = 30 feet
- Other Main = 30 feet
- Side Yard = 10 feet (Dwelling)
- Other Main Building (20 feet)
- Side Facing Street on Corner Lot (20 feet)
- Rear Yard = 10 feet
- Other Main = 10 feet
- Building Height = 1 Story building (40 feet maximum)

NOTE: Utility Stubs shown per Weber County Condition of Approval. Ability of these Utilities to Service Adjacent Properties will be determined prior to installation.

## DESCRIPTIONS

A part of the Southeast Corner of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah:

Beginning at a point on the Easterly Right of Way Line of 4700 West Street, said point being 36.43 feet South 89°05'07" East from the South Quarter Corner of said Section 17; and running thence along said Easterly Right of Way Line North 1°00'33" East 1328.21 feet; thence South 88°53'33" East 1908.95 feet to a point on an Existing Fence; thence along said Existing Fence South 1°13'19" West 1321.80 feet to the Northerly Right of Way Line of 900 South Street; thence along said Northerly Line North 89°05'07" West 1904.04 feet to the point of beginning.

Contains 2526101 Sq. Ft. or 57.991 Acres

Proposed Detention Area  
Secondary Water System  
1.0 Acre +/-

Terakee Farm®

Phase 2

Phase 1

Phase 3

Phase 4

Phase 5

Phase 6

Phase 7

Phase 8

## NOTE

1. Lots 6, 60, 61 and 63 may have ADUs.
2. ADUs may be used for monthly rentals only when primary residence is owner occupied.
3. Agri-tourism is an approved use on agricultural lots.
4. Ditch along 900 South Street to be piped with 15" RCP Storm Drain.
5. Recommendations on the Geotech Report shall be followed during construction of this site.
6. Private Roads shall have a 50.0' Temporary Turnaround Easement at the end of each street during the construction of each Phase.

## PROPOSED UTILITY NOTE

- Land Drain - 8" PVC Tight Joint
  - Sanitary Sewer - 8" SDR-35
  - Secondary Water - 8" PVC
  - Water (Culinary) - 8" PVC
- (Unless otherwise specified on plans)

ENGINEER:  
Great Basin Engineering, Inc.  
c/o Andy Hubbard  
5746 South 1475 East Suite 200  
Ogden, Utah 84405  
(801) 394-4515

DEVELOPER:  
Terakee Investments, LLC  
1080 East 3400 North  
North Ogden, UT 84414  
(801) 688-8565

Preliminary Plan - Overall

Terakee Village® PRUD Subdivision

A part of Section 17, T6N, R2W, SL&M, U.S. Survey

22 Sept, 2017

SHEET NO.

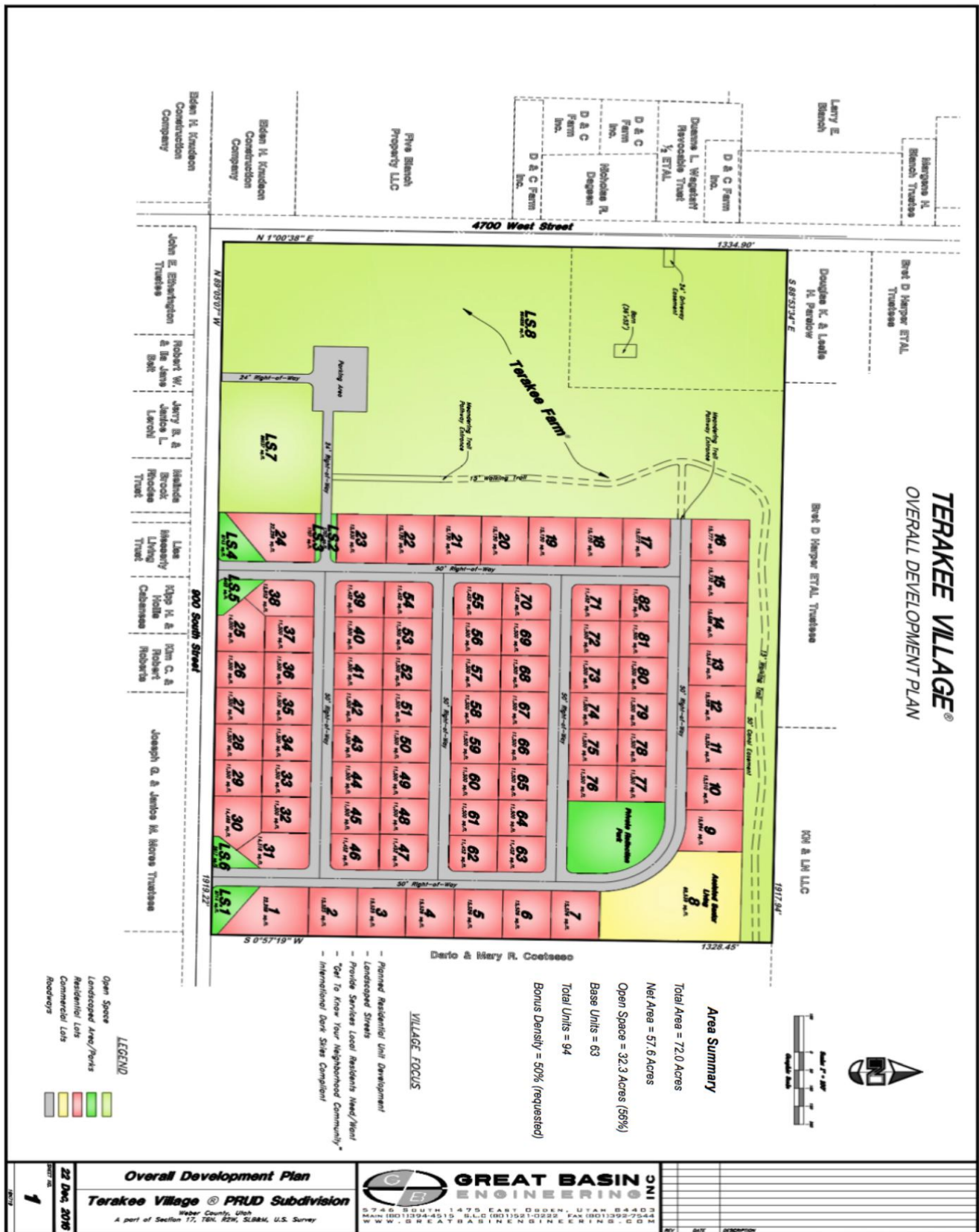
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of 2

16N719 - Prelim-Overall

GREAT BASIN ENGINEERING, INC.  
1475 EAST OGDEN, UTAH 84403  
MAIN (801) 394-4515 FAX (801) 394-4544  
WWW.GREATBASINENGINEERING.COM

Exhibit B-Terakee Farm PRUD Conceptual Plans





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Weber County Planning Division

### Synopsis

#### Application Information

|                             |   |
|-----------------------------|---|
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| <b>Township, Range, Section:</b> | T6N, R2W, Section 17                  |

#### Adjacent Land Use

|               |             |               |             |
|---------------|-------------|---------------|-------------|
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  - A conditional use permit will need to be approved prior to any Agri-tourism activities on the agricultural parcels.
  - A note will need to be placed on the final subdivision plat notifying residents in the development that "Agri-tourism" an approved use on the agricultural lots.



8. Sidewalk, curb and gutter will be installed along the applicant's frontage of 900 South and 4700 West as part of the development in order to provide safety for pedestrians along 900 South and 4700 West.
9. Coordination with the Weber County Surveyor's Office to ensure monument preservation if a roundabout is constructed at the intersection of 4300 West and 900 South.
10. Nightly rentals and lockout sleeping rooms shall not be considered an allowed use within Terakee Village PRUD and will be eliminated from the proposal.
11. That the owner of Terakee Village guarantees, through a detailed plan, that the irrigation water system will consistently flow at the current rate to the property owners to the south of the proposed subdivision, with a recommendation to come from Hooper Irrigation. Access to the head gates along the Hooper Canal are preserved and protected in a way to ensure irrigation access to the property owners located to the north of the development. The irrigation water be piped throughout the PRUD and that existing irrigation water flow capacity will be maintained;
12. The two phases are to remain separate, this CUP is for parcel numbers 15-515-0001, 15-515-0002 and 15-048-0037 and does not include Phase 2/the 14-acre parcel number 15-059-0026 that is not contiguous. The county at the time of subdivision approval will require a detailed plan to include agri-tourism and/or the design of a public park with a mixture of amenities, preferably more than just a few acres, to benefit the community and should be a significant opportunity, not in place of but and/or, to help mitigate some community concerns and help justify the bonus density granting up to 80 units with 4 ADUs;
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14. A decorative street lighting and street tree design will be submitted with the preliminary subdivision for review and approval.
15. Wetland Assessment to be completed to address wetland areas, if any, and what mitigation measures are to take place if needed;
16. Comprehensive Storm Water Master Plan to be completed to include a detention basin needed for a 100-year storm and address any outflow deficiencies with existing infrastructure for the project as a whole;
17. Comprehensive Geotechnical Study to be completed to address existing road conditions and needed upgrades, if any, and cross sections in which the new roads would be placed within the subdivision;
18. Secondary Water Master Plan to address existing irrigation water distribution and proposed water distribution, and show proof of water rights to ensure a master plan throughout the development; Culinary water master plan to be completed to address the proposed water system for the proposed lots and all infrastructure associated with the system for the project as a whole;
19. Sewer master plan to be completed to address the proposed sewer system for all proposed lots including all infrastructure associated with the system for the project as a whole;
20. Comprehensive Traffic Study to address minor and major collector roads associated with the development, all improvements to traffic flow needed due to the subdivision, and include a plan to mitigate safety, even during construction periods, due to the increased vehicular and pedestrian traffic;

This recommendation is based on the following findings:

1. The proposed PRUD conforms to the West Central Weber County General Plan.
2. The PRUD is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings.
4. Up to a 48 percent bonus density is granted based on the following:
  - An approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density is granted.
  - If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density is granted.
  - If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows: For a parcel containing at least 20 acres but fewer than 30 acres, up to a 13 percent bonus density is granted.



5. Agri-tourism is a valuable amenity to the PRUD.
6. The proposal will not be detrimental to the public health, safety, or welfare.
7. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Summary

The purpose of this PRUD amendment is to amend the open space plan, to include within the open space a detention area as part of the proposed secondary water system. The applicant has provided a new site plan (Exhibit A) showing the proposed location of the detention area within the open space. The applicant, during the conditional use permit approval process for the PRUD, was granted an overall bonus density of 32 percent for the entire project, creating an overall density of 84 dwelling units (79 residential units, one lot for an assisted living center, and four accessory dwelling units). The applicant was able to receive the 32 percent bonus density, in part because of the 32 acres preserved as open space. The Planning Commission will need to consider whether or not a detention area is considered open space.

## Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space (2003 West Central Weber General Plan, Page 1-3).

Zoning: The subject property is located in the A-1 zone. PRUDs are listed as a conditional use in the A-1 zone.

Lot area, frontage/width and yard regulations: The site development standards for the A-1 zone require a minimum lot area of 40,000 square feet of area and a minimum lot width of 150 feet. Prior approvals were granted based on the density of the A-1 zoning standards and the Planned Residential Unit Development Standards which allow for bonus densities and smaller building areas.

The intent of a PRUD is defined in LUC §108-5-2 as follows:

- (a) *A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.*
- (b) *Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.*

Open Space: The applicant is proposing to add a detention area for a secondary water system within the area previously approved as agricultural open space parcel to be used for agritourism. The open space area will also consist of walking paths. The Planning Commission will need to decide whether or not the secondary water detention area is considered an acceptable form of open space for the developer to keep the proposed number of lots, considering the bonus densities granted based on open space. The land use code defines open space as follows:

*Open space. The term "open space" means an area which offers amenities such as, but not limited to, undeveloped land, trails, parks, and associated facilities, open space may be owned publically and/or privately.*

Staff has determined a detention area of this size to be an "associated facility", as secondary water is required for agriculture and agritourism operations.

Conditional Use Review: The proposed PRUD is conditionally allowed in the A-1 zone. A review against the conditional use regulations as well as the design review regulations was conducted as part of the original approval.

## Staff Recommendation

Staff recommends approval of the request to amend the conditional use permit for Terakee Village PRUD (CUP 2017-02). This recommendation for approval is subject to all review agency requirements and is based on the following findings:

1. The proposed secondary water detention area has not decreased the amount of open space designated in the original site plan.

## Exhibits

- A. Proposed site plan
- B. Original site plan

## Location Map

